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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/893,522

06/29/2001

George Hoshi

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04/14/2006

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EXAMINER

FOX, JOHN C

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/893,522	Applicant(s) HOSHI ET AL.	
	Examiner John Fox	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,9-14 and 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8,15,16 and 23-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This action is responsive to the communication filed April 5, 2006.

Claims 7-34 are objected to for being unduly difficult to sort out. The guidelines of MPEP 608.01(n) should be followed.

Responsive to applicant's remarks, the original claims were out of order, and the confusion was only aggravated by amendment. Given the large number of claims and the multiple dependency of some, it is unreasonable to expect the Office to untangle the mess every time the case is handled.

Claims 5-6, 9-14, 17-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 15, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 16/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson.

Johnson shows a gas line mounted on a rail 42 and discloses as column 12, lines 18-29, that each line can be mounted on a transverse rail.

Applicant's arguments have been fully considered but they are not persuasive. As noted above, column 12, lines 23+ state:

"Instead, the invented gas handling device is adjustably mounted on a pair of rails or supports that are coupled between adjacent stanchions 116. Each rail extends transverse to the long axis of

device's track and includes a mount or bolt which extends therefrom for insertion through a respective one of track 42's slots 71."

Claims 1-4, 7-8, 15-16 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Itoh et al. Johnson shows the claimed device except uses tubing connected fluid handling devices. Itoh et al show an improvement over tubing connecting fluid handling devices with coupling blocks 21 for mounting the fluid handling devices. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have configured the Johnson gas line from such modular components as taught by Itoh et al to reduce costs, for example. The provision of a spare rail for future use is considered to be an obvious expedient. The method of assembling and method of using steps of claims 30-34 are seen to be inherent to the disclosed structure.

Applicant's arguments have been fully considered but they are not persuasive. Applicant's attention is directed to bolts 52 of Itoh et al, a common feature of surface mount gas sticks.

As to the motivation to combine the references, Itoh et al improve upon welded pipes as shown in Figure 15, and in Johnson. According to Itoh et al, such welds increase particle generation which adversely affect yield, see column 2, lines 22-28. Wouldn't increasing the yield of a production run reduce costs? Thus, the references provide an explicit motivation to make the combination and the Examiner has done an excellent job of making a *prime facie* §103 rejection.

As to the spare rail, a routineer in the art is aware that these installations need to be changed from time to time to accommodate changing needs, including adding different types of gasses or reducing the number of gasses. The simple expedient of allowing for future expansion is a trivial step in the art. Indeed, Figure 10 of Johnson shows an installation with only two gas sticks, yet the box can accommodate four.

Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Itoh et al and further in view of Markulec et al.

Johnson, as modified, shows the claimed device except for the shape of the tracks. Markulec et al show a gas stick system with a downward tapered groove and nut, see Figure 6a. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used such a downward tapered groove and nut in the system of Vu et al, as modified, in view of the readily apparent equivalence between the two tracks.

Since the rejection of the base claims are proper, this rejection will be maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

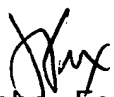
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912. The examiner can normally be reached on Increased Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keasel Eric can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Fox
Primary Examiner
Art Unit 3753